APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,809	12/29/2000	George A. Durden	00023	5336

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AT&T Legal Department - SZ
Attn: Patent Docketing
Room 2A-207
One AT&T Way
Bedminster, NJ 07921

EXAMINER
BROWN, RUEBEN M

ART UNIT	PAPER NUMBER
2424	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	09/751,809	DURDEN ET AL.
	Examiner	Art Unit	
	REUBEN M. BROWN	2424	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>04 March 2009</u>.

2a) ☒ This action is **FINAL**.   2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) <u>6-9,19,20 and 25</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) <u>6-9,19,20 and 25</u> is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a) ☐ All   b) ☐ Some * c) ☐ None of:

         1. ☐ Certified copies of the priority documents have been received.

         2. ☐ Certified copies of the priority documents have been received in Application No. _____.

         3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)   Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)   Paper No(s)/Mail. Date _____.

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1.   Applicant's arguments with respect to claims have been considered but are moot in view

of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

3.   Claims 6-9, 19-20 & 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Oko, (U.S. Pat # 6,947,966), in view of Block, (U.S. Pat # 7,200,852) & Ismail, (U.S. Pat #

6,614,987).

        Considering claims 6 & 9, method for formulating programming content, the system

comprising;

        '*releasing a plot via a website*', is met by Oko, col. 4, lines 49-55; col. 6, lines 45-60,

which discusses that poll questions may be presented (col. 3, lines 32-40) to viewers to decide on

the outcome of a program, or how the program should proceed, (i.e., plot) via several different

types of networks 76, such as the Internet (col. 6, lines 45-60).

        '*receiving user votes via the website*', again Oko teaches the Internet (col. 4, lines 49-54;

col. 6, lines 45-60; col. 7, lines 49-56) is one of the networks that may be used to interact with

the poll questions.

        '*embedding alternative plots into channels*', Oko discusses that the system is enabled to

access modified content, but does not discuss that the modified content may be found on

different channels. Nevertheless, Block discusses a headend that provides substitute

programming on a plurality of channels, Fig. 14; col. 22, lines 3-44 & col. 23, lines 57-67 thru

col. 24, lines 1-10. '*Sending an instruction to switch to an alternate channel for a particular*

plot', reads on the combination of Oko & Block. Specifically, Block teaches that the access

control unit 122 follows control instructions from the label interpretation unit 100 to instruct the

tuner 50 to tune to the frequency of the appropriate substitute stream. It would have been obvious

for one of ordinary skill in the art at the time the invention was made, to modify Oko with the

feature of placing substitute content on a plurality of channels and switching to at least one of the

substitute programming, at least for the benefit of providing different versions of a movie based

on the culture of the expected audience, as taught by Block, col. 23, lines 54-67.

'tabulating the votes and sending instruction for particular alternative plot' also reads on combination of Oko & Block, since the activity of the network server 56 in Oko, which receives, records and tallies the votes of a plurality of viewers, with respect to particular poll questions, see col. 5, lines 1-25; col. 6, lines 10-30 & col. 8, lines 1-15. Oko teaches that the vote is provided to the network provider that tallies the vote and provides the vote results 20 to the content provider, which subsequently modifies the content, col. 8, lines 5-12. Thus the content provider sending the tally results to the network provider reads on *'sending an instruction'*.

As for the additionally amended claimed feature of, *'receiving a batch of program data associated with a program'*,…*'configuring the batch of program data as tabular entries, with a first entry being a default entry comprising a linear arrangement of ratings & content attributes and each subsequent entry comprises another linear arrangement of a timestamp, corresponding rating, and a corresponding content attribute, the timestamp being offset from the start of the program'*, Block (col. 5, lines 25-65) teaches that transmitted information labels (TIL) are sent along with video programming, which describes the content of the instant video programming. Block discloses that the TIL includes two category of labels: general information labels 220 that contain information on the overall program (and reads on the claimed *'default entry'*); and the frame specific information labels 230 that comprise rating information for instantaneous frame content (and reads on the claimed *'subsequent entry'*).

'concatenating each rating in the default entry to produce a sequence of ratings with each rating separated by a comma', Block teaches that the general information label may

contain rating information for a plurality of different categories. However, it is not specifically

shown that the items could be separated by a comma. Official Notice is taken that at the time the

invention was made, it was known in the art to separate distinct items of data with a comma. It

would have been obvious for one of ordinary skill in the art at the time the invention was made,

to modify the combination of Oko & Block with the known technique of separating data items

with a comma, at least for the benefit of using an explicit visual demarcation symbol in a text

based description system.

As for the further claimed limitation that the subsequent entry includes

'timestamp...being an offset from the start of program', Block does not specifically discuss that

the labels include a timestamp. However Ismail, which is in the same field of endeavor provides

a teaching of transmitting attribute information describing the content of a video program, see

col. 3, lines 42-65; col. 6, lines 1-65; col. 7 & col. 8. Ismail goes on to disclose that the attribute

information includes an event_ID as well as its start_time & duration, see col. 5, lines 11-65. It

would have been obvious for one of ordinary skill in the art at the time the invention was made,

to modify the combination of Oko & Block with the feature of including timing information with

respect to content ratings information, for the desirable benefit of more explicitly defining when

the instant content ratings information is valid.

'retrieving a user profile specifying content attributes which a user wishes to block',

*'scanning the batch of program data in advance **to determine a percentage** of the program data*

that will be blocked', '**when the percentage** of the blocked program data exceeds a threshold percentage, then blocking the entire program', Oko does not discuss the specifics of such a blocking algorithm. Nevertheless Block, furthermore provides a teaching that the embedded programming labels are decoded by the receiver and **are optionally used to determine the percentage of a program that would be blocked** based on comparing the received codes of the program with the user profile, see col. 10, lines 11-26; col. 13, lines 25-67. The receiver will then block either, only segment/portions of the program or the entire program, if more than a specified threshold, i.e., percentage, would have been blocked, based on the instructions selected by the user, i.e., user profile.

It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Oko with the feature of receiving program content data; blocking some or all of the program, based on the rating data of the program segments, for the desirable improvement of providing the subscriber with a way to control the viewing of programs with particular offensive content, on their screen, as taught by Block, Abstract; col.2, lines 12-52.

As for the specifics of, 'receiving control data comprising instructions to alter a display screen at coordinates specified by the control data', Block also discusses blocking a screen or frame, and states that specific coordinate ranges within a display screen may be blocked, see col. 9, lines 1-36; col. 18, lines 58-67; using a Mask technology.

Regarding claim 9, the claimed feature of *'particular alternative plot'* corresponds with *'particular alternative plot'*, as recited in claim 6, and is likewise treated. The claimed *'system for formulating alternate programming, comprises… means for…'* that corresponds directly with subject matter mentioned above in the rejection of claim 6, and is likewise treated.

Considering claims 7-8 & 19-20, sending the instructions to the transmission facility, such that the instruction is automatically sent based on the tabulated votes reads on (col. 5, lines 1-55; col. 6, lines 1-25; col. 6, lines 45-60), which teaches that the content provider(s) sends the tally results to the network provider(s), which reads on the *'instruction'*. As pointed out above, *'the instruction to switch to an alternate channel'*, is met by the disclosure of Block, col. 22, lines 21-62.

Regarding claims 8 & 20, *'linking the website to the transmission facility'*, reads on scenario of users answering a poll question via the Internet, and the results being sent to the transmission facility, which is taught by Oko, col. 4, lines 48-55; col. 6, lines 45-60. It is noted that linking does not recite any particular limitations such as using HTML or over a PSTN, etc.

Considering claim 25, the claimed processor readable memory storing instructions for performing a method, that corresponds directly with subject matter mentioned above in the rejection of claims 6 & 9, is met by the references as discussed in the above paragraph. In

particular, Oko (Fig. 5; col. 4, lines 51-65) and Block (col. 4, lines 1-35) are directed to computer

operated systems that require the use of a '*processor readable memory storing instruction for...'.*

Conclusion

4.   The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

A)   Collings   Teaches coding content attributes, for selective viewing

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Any response to this action should be mailed to:

> Commissioner for Patents
> P.O. Box 1450
> Alexandria, VA 22313-1450
> www.uspto.gov

> **or faxed to:**
> (571) 273-8300, (for formal communications intended for entry)
> **Or:**
> > (571) 273-7290 (for informal or draft communications, please label
> > "PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Reuben M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Annan Q Shang/
Primary Examiner, Art Unit 2424